

## House Bill 501

By: Representatives Austin of the 10<sup>th</sup>, Benton of the 31<sup>st</sup>, Reese of the 98<sup>th</sup>, Kaiser of the 59<sup>th</sup>, and Carter of the 175<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Part 12 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to effectiveness of educational programs, so as to provide for placement and promotion policies for grades one, two, four, six, and seven; to provide for documentation of promotion decisions; to provide for data to the State Board of Education regarding students failing the criterion-referenced assessments in certain grades; to provide for a timetable for implementation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 12 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to effectiveness of educational programs, is amended by revising Code Section 20-2-283, relating to criteria for a placement and promotion policy, as follows:

"20-2-283.

(a)(1) No later than January 1, 2002, the State Board of Education shall adopt criteria for the development of a placement and promotion policy by each local board of education consistent with the Georgia Academic Placement and Promotion Policy with respect to third, fifth, and eighth grades.

(2) No later than January 1, 2010, the State Board of Education shall adopt criteria for the development of a placement and promotion policy by each local board of education consistent with the Georgia Academic Placement and Promotion Policy with respect to first and second grades.

(b) Such criteria as adopted by the State Board of Education shall require the following for students in grades one, two, three, five, and eight:

(1) No student shall be promoted, except as provided in this Code section, to:

(A) The second grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement

in accordance with Code Section 20-14-31 on the first grade criterion-referenced reading assessment developed in accordance with subsection (a) of Code Section 20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends;

(B) The third grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement in accordance with Code Section 20-14-31 on the second grade criterion-referenced reading assessment developed in accordance with subsection (a) of Code Section 20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends;

~~(A)~~(C) The fourth grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement in accordance with Code Section 20-14-31 on the third grade criterion-referenced reading assessment developed in accordance with subsection (a) of Code Section 20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends;

~~(B)~~(D) The sixth grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement in accordance with Code Section 20-14-31 on the fifth grade criterion-referenced mathematics assessment and fifth grade criterion-referenced reading assessment developed in accordance with subsection (a) of Code Section 20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends; or

~~(C)~~(E) The ninth grade program to which the student would otherwise be assigned if the student does not achieve grade level as defined by the Office of Student Achievement in accordance with Code Section 20-14-31 on the eighth grade criterion-referenced mathematics assessment and eighth grade criterion-referenced reading assessment developed in accordance with subsection (a) of Code Section 20-2-281 and meet the promotional standards and criteria established by the State Board of Education and by the local school board for the school that the student attends;

(2) When a student does not perform at grade level on any criterion-referenced assessment specified in paragraph (1) of this subsection then the following shall occur:

(A) The parent or guardian of the student shall be notified in writing by first-class mail by the school principal or such official's designee regarding the student's performance below grade level on the assessment instrument, the retest to be given the student, the

accelerated, differentiated, or additional instruction program to which the student is assigned, and the possibility that the student might be retained at the same grade level for the next school year;

(B) The student shall receive accelerated, differentiated, or additional instruction in the subject of the assessment instrument on which the student failed to perform at grade level; and

~~(B)~~(C) The student shall be retested with a criterion-referenced assessment or an alternative assessment instrument that is appropriate for the student's grade level as provided for by the State Board of Education and the local board of education; and

~~(C) The student shall be given an opportunity for accelerated, differentiated, or additional instruction in the applicable subject; and~~

(3) When a student does not perform at grade level on any criterion-referenced assessment specified in paragraph (1) of this subsection and also does not perform at grade level on a second additional opportunity as provided for in paragraph (2) of this subsection then the following shall occur:

(A) The school principal or the principal's designee shall ~~retain the student for the next school year except as otherwise provided in this subsection;~~

~~(B) The school principal or the principal's designee shall notify in writing by first-class mail the parent or guardian of the student and the teacher regarding the decision to retain the student. The notice shall describe the option of the parent, guardian, or teacher to appeal the decision to retain the student and shall further describe the composition and functions of the placement committee as provided for in this subsection, including the requirement that a decision to promote the student must be a unanimous decision of the committee;~~

~~(C) If the parent, guardian, or teacher appeals the decision to retain the student, then the school principal or designee shall establish a placement committee composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of the assessment instrument on which the student failed to perform at grade level, and another teacher, either in the same grade level or a previous teacher of the student, if possible, or if not possible, another teacher designated by the principal and shall notify in writing by first-class mail the parent or guardian of the time and place for convening the placement committee;~~

~~(D)~~(B) The placement committee shall:

(i) Review the overall academic achievement of the student in light of the performance on the criterion-referenced assessment and the standards and criteria as adopted by the local board of education and make a determination to promote or retain. A decision to promote must be a unanimous decision and must determine that

if promoted and given accelerated, differentiated, or additional instruction during the next year, the student is likely to perform at grade level as defined by the Office of Student Achievement in accordance with Code Section 20-14-31 by the conclusion of the school year. A student who does not perform at grade level on a second additional assessment opportunity as provided for in paragraph (2) of this subsection but receives an exceedingly low score, as defined by the State Board of Education, shall not be promoted except under extenuating circumstances. Such decision shall be documented by the placement committee and placed in the student's record; and (ii) Prescribe for the student, whether the student is retained or promoted, such accelerated, differentiated, or additional instruction as needed to perform at grade level by the conclusion of the subsequent school year, prescribe such additional assessments as may be appropriate in addition to assessments administered to other students at the grade level during the year, and provide for a plan of continuous assessment during the subsequent school year in order to monitor the progress of the student;

(C) Any decision by the placement committee may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date such decision is rendered. The local board of education shall review the record and shall render a decision in writing. The decision of the local board of education shall be given to all parties within ten business days from the date the local board of education receives the notice of appeal. The local board may take any action it determines appropriate, and any decision of the local board shall be final;

(D) The local board of education shall annually report to the State Board of Education in accordance with guidelines established by the state board the number of students who do not perform at grade level on a second additional assessment opportunity as provided for in paragraph (2) of this subsection, and of these, the number of students retained and the number of students promoted;

~~(E)~~(E) For students receiving special education or related services, the Individualized Education Plan Committee shall serve as the placement committee; and

~~(F)~~(F) The decision of the placement committee may be appealed only as provided for by the local board of education.

(c) This Code section does not preclude the retention by the school principal or the principal's designee of a student who performs satisfactorily on the criterion-referenced assessments specified in paragraph (1) of subsection (b) of this Code section as provided for by the local board of education.

(d) This Code section does not create a property interest in promotion.

(e) The State Board of Education shall establish policies and procedures for implementation of this Code section.

(f) A local board of education which does not comply with the requirements of this Code section shall be subject to withholding of funds pursuant to Code Section 20-2-243."

## SECTION 2.

Said part is further amended by revising Code Section 20-2-284, relating to criteria for local boards of education relating to a placement and promotion policy, as follows:

"20-2-284.

(a)(1) No later than July 1, 2003, each local board of education shall develop and adopt a placement and promotion policy in accordance with the criteria established by the State Board of Education as provided in Code Section 20-2-283 with respect to third, fifth, and eighth grades and consistent with the Georgia Academic Placement and Promotion Policy.

(2) No later than July 1, 2011, each local board of education shall develop and adopt a placement and promotion policy in accordance with the criteria established by the State Board of Education as provided in Code Section 20-2-283 with respect to first and second grades and consistent with the Georgia Academic Placement and Promotion Policy.

~~(b) Except for those criterion-referenced assessments specified in Code Section 20-2-283, the placement and promotion policy as developed and adopted by each local board of education shall state how the criterion-referenced competency tests administered under Code Section 20-2-281 for grades one through eight will be weighted or otherwise utilized by the school principal or the principal's designee in determining the overall academic achievement of a student and an appropriate plan of accelerated, differentiated, or additional instruction, placement, promotion, or retention of a student.~~

~~(c)~~ To assist each local board of education, the State Board of Education shall develop a model placement and promotion policy which may be utilized by a local board of education."

## SECTION 3.

Said part is further amended by revising Code Section 20-2-285, relating to a timetable for implementation of placement and promotion policies, as follows:

"20-2-285.

The State Board of Education shall provide for a timetable of implementation of this Code section and the Georgia Academic Placement and Promotion Policy which shall include:

(1) The first grade beginning with the 2011-2012 school year;

(2) The second grade beginning with the 2011-2012 school year;

175 **SECTION 4.**  
176 All laws and parts of laws in conflict with this Act are repealed.

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